IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

: 10/729,039

Confirmation No.

5294

Applicant

: WILLIAMS

Filed

: December 5, 2003

Title

Recombinant botulinum toxins having a soluble Cterminal portion of a heavy chain, an N-terminal portion of a heavy chain and a light chain

1600/1645 PORTNER, V.A.

Docket No.

: D2939-CIPCONDIV4

Customer No. : 33197

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail with sufficient postage in an envelope addressed to: Mail Stop AMENDMENT, P.O. Box Commissioner for Patents,

Alexandria, VA 22313-1450, on:

Mail Stop AMENDMENT

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT AND

PETITION FOR A TWO-MONTH EXTENSION OF TIME

Sir:

This response is being submitted in reply to the Office Action of September 15, 2004. A response was due December 15, Applicant hereby petitions for a two-month extension of A response with a two-month extension of time is due time. The Commissioner is hereby authorized tom February 15, 2005. charge the extension of time fee (\$450.00) to Deposit Account Accordingly, this response is being timely filed. In response to the Office Action, please amend 02/18/2005 YPOLITE1 00000034 identified application as follows:

Amendments to the Specification begin on page 3 of this paper.

the prior art disclose, teach, or even suggest the present compositions including the additional feature or features recited in any of the present dependent claims. Therefore, applicant submits that each of the present claims is separately patentable over the prior art.

Conclusion

In conclusion, applicant has shown that the present claims are not subject to rejection for double patenting, satisfy the requirements of 35 U.S.C. § 112, and are not anticipated by and are unobvious from and patentable over the prior art under 35 U.S.C. §§ 102 and 103. Therefore, applicant submits that the present claims, that is claims 25-31, are allowable. Therefore, applicant respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Date: 2/14/05

Respectfully submitted,

rank J. Xxa

Registration No. 25,612 4 Venture, Suite 300

Irvine, California 92618

(949) 450-1750

(949) 450-1764 Facsimile

Appl. No. 10/729,039 Reply to Office Action of September 15, 2004

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 6 of this paper.